

HOUSE BILL REPORT

HB 2410

As Reported by House Committee On:
Criminal Justice & Corrections

Title: An act relating to designating the crime of possessing depictions of a minor engaged in sexually explicit conduct as a sex offense.

Brief Description: Changing provisions relating to sex offenders.

Sponsors: Representatives O'Brien, Rodne, Ericks, Lovick and Anderson.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 1/12/06, 1/31/06 [DP].

Brief Summary of Bill

- Designates possession of depictions of a minor engaged in sexually explicit conduct a sex offense.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 6 members: Representatives O'Brien, Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kirby, Strow and Williams.

Minority Report: Do not pass. Signed by 1 member: Representative Darneille, Vice Chair.

Staff: Jim Morishima (786-7191).

Background:

Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct

A person is guilty of possession of depictions of a minor engaged in sexually explicit conduct if he or she knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct. The crime is an "unranked" class C felony (zero-12 months in jail for each offense).

Sex Offenses

Several offenses are currently designated "sex offenses" for purposes of criminal sentencing. There are several consequences of an offense being a sex offense including:

- ineligibility for 50 percent earned release credits (the offender will be eligible for 10 percent or 33 percent depending on the sex offense involved);
- mandatory terms of community custody for prison-bound offenders;
- mandatory supervision by the Department of Corrections in the community;
- triple scoring of prior sex offenses when computing the sentence for a new sex offense;
- ineligibility for the Drug Offender Sentencing Alternative and the First-Time Offender Waiver; and
- registration (note that the definition of "sex offense" for purposes of the registration statute is broader than the definition for purposes of sentencing).

Summary of Bill:

Possession of depictions of a minor engaged in sexually explicit conduct is designated a sex offense.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately, except for Section 2, which because of prior double amendments, takes effect July 1, 2006.

Testimony For: This crime is a precursor for more serious offenses. Persons who commit this crime must be required to register so that the community knows where this offender is.

Testimony Against: None.

Persons Testifying: Representative O'Brien, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.